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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	NO. 20-CR-377 RS
)	
Plaintiff,)	STIPULATED ORDER EXCLUDING
)	TIME FROM THE SPEEDY TRIAL ACT
v.)	CALCULATION
)	
FRANKLIN ERVIN,)	
)	
Defendant.)	
)	
)	

It is hereby stipulated by and between counsel for the United States and counsel for Defendant Franklin Ervin, that time be excluded under the Speedy Trial Act from November 17, 2020 through January 12, 2021.

Mr. Ervin appeared before the Court on November 17, 2020 for an initial appearance in the above-captioned case. The Court set the matter for a change of plea and/or status hearing on January 12, 2021 at 1:30 p.m. As discussed on the record, the parties now ask for an exclusion of time through January 12, 2021. This waiver of time will allow time for defense counsel to continue review the discovery that has been produced in this matter with Mr. Ervin and will additionally allow the parties to continue to attempt to resolve this matter. The parties agree that the time period of November 17, 2020

1 through January 12, 2021, inclusive, should be excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), on
2 the basis that failure to grant the continuance would unreasonably deny defense counsel the reasonable
3 time necessary for effective preparation, taking into account the exercise of due diligence and the
4 availability of defense counsel. The parties further stipulate and agree that the ends of justice served by
5 excluding the time from November 17, 2020 through January 12, 2021 from computation under the
6 Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C.
7 § 3161(h)(7)(A), (B)(iv).

8 The undersigned Assistant United States Attorney certifies that she has obtained approval from
9 counsel for the defendant to file this stipulation and proposed order.

10 IT IS SO STIPULATED.

11 DATED: 11/18/2020

/s/
MARJA-LIISA OVERBECK
Assistant United States Attorney

13 DATED: 11/18/2020


/s/
ANGELA CHUANG
Counsel for Defendant Franklin Ervin

18 **ORDER**

19 Based upon the facts set forth in the stipulation of the parties and for good cause shown, the
20 Court finds that failing to exclude the time from November 17, 2020 through January 12, 2021 would
21 unreasonably deny defense counsel and the defendant the reasonable time necessary for effective
22 preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The
23 Court further finds that the ends of justice served by excluding the time from November 17, 2020
24 through January 12, 2021 from computation under the Speedy Trial Act outweigh the best interests of
25 the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS
26 HEREBY ORDERED that the time from November 17, 2020 through January 12, 2021 shall be
27 excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).
28

1 IT IS SO ORDERED.

2
3 DATED: November 18, 2020

4 
HON. RICHARD SEEBORG
United States District Judge